IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 125 OF 2005

Mr.Rajesh R. Pandey. ... Appellant.

V/s

M/s.Arch Bilders & others. ... Respondents.

Mr.O.R.Tiwari for the appellant.

Mr.Devendra Sharma for respondent Nos.1 and 2.

CORAM: A.S. OKA, J.

DATE: 1st March, 2005.

P.C. :

. Heard learned counsel for the parties.

2. The Appeal is filed by the original Plaintiff taking exception to the order dated 7th February 2004 passed by the learned Judge of the City Civil, Mumbai.

3. By the said order, an ad-interim relief has been refused by the learned trial Judge. The perusal of the record shows that there is no ad-interim order granted by this Court. Thus, for more than one year there is no ad-interim relief operating in favour of the Appellant-Plaintiff. The notice of motion is still pending in the trial Court and the contesting Defendants have filed reply to the said notice of motion.

4. The order refusing to grant ad-interim relief is a discretionary order. At this stage no interference is called for when the notice of motion is still pending.

5. Hence Appeal is dismissed with no order as to costs. The trial Court will decide the notice of motion expeditiously without being influenced by the findings recorded in the impugned order.

6. The parties and the concerned Court to act on an authenticated copy of this order.

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